

Removed from case

pursuant to order doc 41 in case CV-03-TMP-462-S

(See attached order)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

04 SEP 21 AM 11:07
U.S. DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ENTERED

SHERMAN INDUSTRIES, INC.,)
f/k/a SHERMAN INTERNATIONAL)
CORPORATION,)
Plaintiff,)
v.)
FIDELITY AND DEPOSIT COMPANY)
OF MARYLAND,)
Defendant and)
Third-Party Plaintiff,)
v.)
L.C. POSEY & SONS, INC.,)
JEFFREY A. POSEY, and)
JUDY R. POSEY,)
Third-Party Defendants.)

Case No. CV-03-TMP-462-S

SEP 21 2004

[Signature]

O R D E R

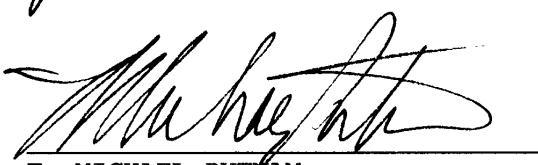
This cause is before the court on defendant Fidelity and Deposit Company of Maryland's ("Fidelity") motion to alter, amend, or vacate judgment filed September 15, 2004. Counsel for plaintiffs have notified the court that they failed to receive a copy of this court's memorandum opinion and order regarding summary judgment entered September 2, 2004 (court documents 26, 29). The opinion and order were erroneously entered in another case in this

court involving the same defendant, Fidelity and Deposit Company of Maryland v. J & J Masonry, Inc., et al., CV 03-TMP-1858-NE.

Accordingly, the Clerk is DIRECTED to enter the above-referenced order and opinion in this case, to serve the order and opinion on counsel for all parties, and to remove those orders from the docket sheet and file of CV 03-TMP-1858-NE.

In addition, the order regarding summary judgment hereby is AMENDED to allow plaintiffs to file any evidence or argument in support of their request for attorney's fees no later than **October 7, 2004**. Plaintiffs further are DIRECTED to file any opposition to the motion to alter, amend, or vacate no later than **October 7, 2004**. Defendants are DIRECTED to file any opposition to the request for attorney's fees no later than **October 18, 2004**.

DATED the 21 day of September 2004.



T. MICHAEL PUTNAM
UNITED STATES MAGISTRATE JUDGE